

# REVOKING PUBLIC LAND ORDER WITH RESPECT TO CERTAIN LANDS IN CIBOLA NATIONAL WILDLIFE REFUGE, CALIFORNIA

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1101) to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

The Clerk read as follows:

H.R. 1101

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. REVOCATION OF PUBLIC LAND ORDER WITH RESPECT TO LANDS ERRONEOUSLY INCLUDED IN CIBOLA NATIONAL WILDLIFE REFUGE, CALIFORNIA.

Public Land Order 3442, dated August 21, 1964, is revoked insofar as it applies to the following described lands: San Bernardino Meridian, T11S, R22E, sec. 6, all of lots 1, 16, and 17, and SE¼ of SW¼ in Imperial County, California, aggregating approximately 140.32 acres.

## SEC. 2. RESURVEY AND NOTICE OF MODIFIED BOUNDARIES.

The Secretary of the Interior shall, by not later than 6 months after the date of the enactment of this Act—

(1) resurvey the boundaries of the Cibola National Wildlife Refuge, as modified by the revocation under section 1;

(2) publish notice of, and post conspicuous signs marking, the boundaries of the refuge determined in such resurvey; and

(3) prepare and publish a map showing the boundaries of the refuge.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1101.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume; and I am pleased to strongly support H.R. 1101, introduced by my good friend, the gentleman from California (Mr. HUNTER). The gentleman from California has done an excellent job of representing his constituents who, through no fault of their own, find themselves operating a concession within the National Wildlife Refuge System.

This concession, known as Walter's Camp, has existed since 1962. It has consistently provided recreational opportunities to thousands of Americans. It is one of the few places along the lower Colorado River that offers such a variety of healthy outdoor activities.

About 5 years ago, the concessionaire was advised by the Fish and Wildlife

Service that Walter's Camp had been inadvertently added to the Cibola National Wildlife Refuge and that corrective legislation was necessary.

This is the purpose of this measure, to correct this mistake; and there is no opposition to returning the title of this property to the Bureau of Land Management. In fact, identical legislation passed the House unanimously on two separate occasions in the 108th Congress.

I urge an "aye" vote on H.R. 1101.

Mr. Speaker, I reserve the balance of my time.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this legislation is to correct an error in the 1964 public land withdrawal that created the Cibola National Wildlife Refuge in California.

H.R. 1101 is identical to legislation passed by the House during the 107th and 108th Congresses, and we have no objection to this noncontroversial bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 1101.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 606.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## GENERAL SERVICES ADMINISTRATION MODERNIZATION ACT

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2066) to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

The Clerk read as follows:

H.R. 2066

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "General Services Administration Modernization Act".

## SEC. 2. FEDERAL ACQUISITION SERVICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Section 303 of title 40, United States Code, is amended to read as follows:

### "§ 303. Federal Acquisition Service

"(a) ESTABLISHMENT.—There is established in the General Services Administration a Federal Acquisition Service. The Administrator of General Services shall appoint a non-career employee as Commissioner of the Federal Acquisition Service, who shall be the head of the Federal Acquisition Service.

"(b) FUNCTIONS.—Subject to the direction and control of the Administrator of General Services, the Commissioner of the Federal Acquisition Service shall be responsible for administering the Acquisition Services Fund under section 321 of this title and carrying out functions related to the uses for which such Fund is authorized under such section, including any functions that were carried out by the entities known as the Federal Supply Service and the Federal Technology Service and such other related functions as the Administrator considers appropriate.

"(c) REGIONAL EXECUTIVES.—The Administrator may appoint up to five Regional Executives in the Federal Acquisition Service, to carry out such functions within the Federal Acquisition Service as the Administrator considers appropriate."

(2) CLERICAL AMENDMENT.—The item relating to section 303 at the beginning of chapter 3 of such title is amended to read as follows:

"303. Federal Acquisition Service."

(b) EXECUTIVE SCHEDULE COMPENSATION.—Section 5316 of title 5, United States Code, is amended by striking the item relating to the Commissioner of the Federal Supply Service of the General Services Administration and inserting the following:

"Commissioner of the Federal Acquisition Service, General Services Administration."

(c) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, reorganization plan, or delegation of authority, or in any document—

(1) to the Federal Supply Service is deemed to refer to the Federal Acquisition Service;

(2) to the GSA Federal Technology Service is deemed to refer to the Federal Acquisition Service;

(3) to the Commissioner of the Federal Supply Service is deemed to refer to the Commissioner of the Federal Acquisition Service; and

(4) to the Commissioner of the GSA Federal Technology Service is deemed to refer to the Commissioner of the Federal Acquisition Service.

## SEC. 3. ACQUISITION SERVICES FUND.

(a) ABOLISHMENT OF GENERAL SUPPLY FUND AND INFORMATION TECHNOLOGY FUND.—The General Supply Fund and the Information Technology Fund in the Treasury are hereby abolished.

(b) TRANSFERS.—Capital assets and balances remaining in the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall be transferred to the Acquisition Services Fund and shall be merged with and be available for the purposes of the Acquisition Services Fund under section 321 of title 40, United States Code (as amended by this Act).

(c) ASSUMPTION OF OBLIGATIONS.—Any liabilities, commitments, and obligations of the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall

be assumed by the Acquisition Services Fund.

(d) **EXISTENCE AND COMPOSITION OF ACQUISITION SERVICES FUND.**—Subsections (a) and (b) of section 321 of title 40, United States Code, are amended to read as follows:

“(a) **EXISTENCE.**—The Acquisition Services Fund is a special fund in the Treasury.

“(b) **COMPOSITION.**—

“(1) **IN GENERAL.**—The Fund is composed of amounts authorized to be transferred to the Fund or otherwise made available to the Fund.

“(2) **OTHER CREDITS.**—The Fund shall be credited with all reimbursements, advances, and refunds or recoveries relating to personal property or services procured through the Fund, including—

“(A) the net proceeds of disposal of surplus personal property;

“(B) receipts from carriers and others for loss of, or damage to, personal property; and

“(C) receipts from agencies charged fees pursuant to rates established by the Administrator.

“(3) **COST AND CAPITAL REQUIREMENTS.**—The Administrator shall determine the cost and capital requirements of the Fund for each fiscal year and shall develop a plan concerning such requirements in consultation with the Chief Financial Officer of the General Services Administration. Any change to the cost and capital requirements of the Fund for a fiscal year shall be approved by the Administrator. The Administrator shall establish rates to be charged agencies provided, or to be provided, supply of personal property and non-personal services through the Fund, in accordance with the plan.

“(4) **DEPOSIT OF FEES.**—Fees collected by the Administrator under section 313 of this title may be deposited in the Fund to be used for the purposes of the Fund.”

(e) **USES OF FUND.**—Section 321(c) of such title is amended in paragraph (1)(A)—

(1) by striking “and” at the end of clause (i);

(2) by inserting “and” after the semicolon at the end of clause (ii); and

(3) by inserting after clause (ii) the following new clause:

“(iii) personal services related to the provision of information technology (as defined in section 11101(6) of this title);”

(f) **PAYMENT FOR PROPERTY AND SERVICES.**—Section 321(d)(2)(A) of such title is amended—

(1) by striking “and” at the end of clause (iv);

(2) by redesignating clause (v) as clause (vi); and

(3) by inserting after clause (iv) the following new clause:

“(v) the cost of personal services employed directly in providing information technology (as defined in section 11101(6) of this title); and”

(g) **TRANSFER OF UNCOMMITTED BALANCES.**—Subsection (f) of section 321 of such title is amended to read as follows:

“(f) **TRANSFER OF UNCOMMITTED BALANCES.**—Following the close of each fiscal year, after making provision for a sufficient level of inventory of personal property to meet the needs of Federal agencies, the replacement cost of motor vehicles, and other anticipated operating needs reflected in the cost and capital plan developed under subsection (b), the uncommitted balance of any funds remaining in the Fund shall be transferred to the general fund of the Treasury as miscellaneous receipts.”

(h) **CONFORMING AND CLERICAL AMENDMENTS.**—

(1) Section 322 of such title is repealed.

(2) The heading for section 321 of such title is amended to read as follows:

#### “§ 321. Acquisition Services Fund”.

(3) The table of sections for chapter 3 of such title is amended by striking the items relating to sections 321 and 322 and inserting the following:

“321. Acquisition Services Fund.”

(4) Section 573 of such title is amended by striking “General Supply Fund” both places it appears and inserting “Acquisition Services Fund”.

(5) Section 604(b) of such title is amended—  
(A) in the heading, by striking “GENERAL SUPPLY FUND” and inserting “ACQUISITION SERVICES FUND”; and

(B) in the text, by striking “General Supply Fund” and inserting “Acquisition Services Fund”.

(6) Section 605 of such title is amended—

(A) in subsection (a)—

(i) in the heading, by striking “GENERAL SUPPLY FUND” and inserting “ACQUISITION SERVICES FUND”; and

(ii) in the text, by striking “General Supply Fund” and inserting “Acquisition Services Fund”; and

(B) in subsection (b)(2)—

(i) by striking “321(f)(1)” and inserting “321(f)”;

(ii) by striking “General Supply Fund” and inserting “Acquisition Services Fund”.

#### SEC. 4. PROVISIONS RELATING TO ACQUISITION PERSONNEL.

Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended by adding at the end the following new subsections:

“(i) **PROVISIONS RELATING TO REEMPLOYMENT.**—If an individual receiving an annuity from the Civil Service Retirement and Disability Fund on the basis of such individual’s service becomes reemployed in an acquisition-related position (as described in subsection (g)(1)(A)), such annuity shall not be discontinued thereby. An individual so reemployed shall not be considered an employee for the purposes of chapter 83 or 84 of title 5, United States Code.

“(j) **RETENTION BONUSES.**—

“(1) The head of each executive agency, after consultation with the Administrator, shall establish policies and procedures under which the agency head may pay retention bonuses to employees holding acquisition-related positions (as described in subsection (g)(1)(A)) within such agency, except that the authority to pay a bonus under this subsection shall be available only if—

“(A) the unusually high or unique qualifications of an employee or a special need of the agency for the services of an employee makes the retention of such employee essential; and

“(B) the agency determines that, in the absence of such a bonus, it is likely that the employee would leave—

“(i) the Federal service; or

“(ii) for a different position in the Federal service under conditions described in regulations of the Office.

“(2)(A) Payment of a bonus under this subsection shall be contingent upon the employee entering into a written agreement with the agency to complete a period of service with the agency in return for the bonus.

“(B)(i) The agreement shall include—

“(I) the length of the period of service required;

“(II) the bonus amount;

“(III) the manner in which the bonus will be paid (as described in paragraph (3)(B)); and

“(IV) any other terms and conditions of the bonus, including the terms and conditions governing the termination of an agreement.

“(3) A bonus under this subsection—

“(A) may not exceed 50 percent of the basic pay of the employee;

“(B) may be paid to an employee—

“(i) in installments after completion of specified periods of service;

“(ii) in a single lump sum at the end of the period of service required by the agreement; or

“(iii) in any other manner mutually agreed to by the agency and the employee;

“(C) is not part of the basic pay of the employee; and

“(D) may not be paid to an employee who holds a position—

“(i) appointment to which is by the President, by and with the advice and consent of the Senate;

“(ii) in the Senior Executive Service as a noncareer appointee (as such term is defined under section 3132(a) of title 5, United States Code); or

“(iii) which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.”

#### SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

□ 1545

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2066.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I rise in support of H.R. 2066, the General Services Administration Modernization Act. This legislation would provide a reorganization of the General Services Administration, the Federal agency that is charged with procuring the facilities, products, services, and technology that Federal agencies and their employees need every day. H.R. 2066 will ensure that the GSA maximizes its use of taxpayer funds.

This legislation has been under consideration in our Committee on Government Reform for a number of years, and it has been the subject of multiple legislative and oversight hearings and was included in the President’s budget proposal for fiscal year 2006. Specifically, H.R. 2066 would combine GSA’s current Federal Supply Service and Federal Technology Service into a single entity, operating out of a united fund. This would provide Federal agencies with a one-stop shop to acquire all of their commercial goods and services.

The separate technology fund was created in the 1980s to assist agencies as they incorporated complex main-frame computers into their daily operations. But today information technology is as common in the Federal workplace as furniture. Having two separate entities within GSA, one focusing on IT goods and services, one focusing on non-IT goods and services, is no longer appropriate. So H.R. 2066 would provide GSA with the statutory structure that it needs to bring it in line with the current commercial market.

Overall, the reforms provided in H.R. 2066 would help GSA streamline its operations, improve its performance and efficiency far into the future. I urge its passage today, Mr. Speaker, and I congratulate the bill's distinguished authors, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. HUNTER) for working to create such a thoughtful bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), in consideration of H.R. 2066, the bill before us today.

H.R. 2066, the General Services Modernization Act, as reported by the Committee on Government Reform, represents the first major reorganization within the GSA in nearly 20 years. This bill would combine without substantive change the revolving funds used for the operations of the Federal Supply Service and the Federal Technology Service, both currently separate organizations within GSA.

The bill would also authorize a new unit, the Federal Acquisition Service, headed by a commissioner, to take over the operations of the combined services.

The Federal Supply Service provides an economic and efficient system for the procurement and supply of goods and services to Federal agencies. One way it does this is through the schedules program which manages long-term government-wide contracts for commercial goods and services. This provides customer agencies with benefits of volume discount pricing, lower administrative costs, and reduced inventories.

The Federal Technology Service offers agencies a wide range of information technology and telecommunication products and services on a number of contract vehicles. Its focus is oriented toward providing more full-service solutions for IT, telecommunications and professional services.

While I would have preferred a more thorough analysis of the benefits of the consolidation intended by this bill, the proposal would seem to offer increased organizational efficiency and improved coordination of the functions the services currently provide. I look forward

to reviewing the detailed reorganization plans that the GSA is preparing.

The bill also contains provisions which would give civilian agencies additional tools to maintain their acquisition work forces. It would allow agencies to offer retention bonuses and to reemploy retirees in certain special circumstances. I would also like to thank the chairman for working with us to provide appropriate safeguards on the use of this authority and for accepting a Democratic amendment regarding the appointment of the new commissioner of the Federal Acquisition Service.

While not directly relevant to this legislation, I would like to take this opportunity to urge the GSA to consult more closely with Federal employee unions on its plans for reorganizing. A number of representatives of Federal employees have contacted the committee with concerns about the reorganization. Primary among those concerns is the fact that no one seemed to be talking to them about the plans for merging the two services. This approach can only breed distrust and fear, and I urge the administrator to improve communication with the affected employees.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I withdraw my motion to suspend the rules on H.R. 2066.

The SPEAKER pro tempore. The motion is withdrawn.

#### GENERAL SERVICES ADMINISTRATION MODERNIZATION ACT

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2066) to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2066

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "General Services Administration Modernization Act".*

#### SEC. 2. FEDERAL ACQUISITION SERVICE.

##### (a) ESTABLISHMENT.—

(1) *IN GENERAL.*—Section 303 of title 40, United States Code, is amended to read as follows:

##### **"§303. Federal Acquisition Service**

*"(a) ESTABLISHMENT.*—There is established in the General Services Administration a Federal Acquisition Service. The Administrator of General Services shall appoint a Commissioner of the Federal Acquisition Service, who shall be the head of the Federal Acquisition Service.

*"(b) FUNCTIONS.*—Subject to the direction and control of the Administrator of General Services, the Commissioner of the Federal Acquisition Service shall be responsible for carrying out functions related to the uses for which the Acquisition Services Fund is authorized under section 321 of this title, including any functions that were carried out by the entities known as

the Federal Supply Service and the Federal Technology Service and such other related functions as the Administrator considers appropriate.

*"(c) REGIONAL EXECUTIVES.*—The Administrator may appoint up to five Regional Executives in the Federal Acquisition Service, to carry out such functions within the Federal Acquisition Service as the Administrator considers appropriate."

(2) *CLERICAL AMENDMENT.*—The item relating to section 303 at the beginning of chapter 3 of such title is amended to read as follows:

"303. Federal Acquisition Service."

(b) *EXECUTIVE SCHEDULE COMPENSATION.*—Section 5316 of title 5, United States Code, is amended by striking "Commissioner, Federal Supply Service, General Services Administration." and inserting the following:

"Commissioner, Federal Acquisition Service, General Services Administration."

(c) *REFERENCES.*—Any reference in any other Federal law, Executive order, rule, regulation, reorganization plan, or delegation of authority, or in any document—

(1) to the Federal Supply Service is deemed to refer to the Federal Acquisition Service;

(2) to the GSA Federal Technology Service is deemed to refer to the Federal Acquisition Service;

(3) to the Commissioner of the Federal Supply Service is deemed to refer to the Commissioner of the Federal Acquisition Service; and

(4) to the Commissioner of the GSA Federal Technology Service is deemed to refer to the Commissioner of the Federal Acquisition Service.

#### SEC. 3. ACQUISITION SERVICES FUND.

(a) *ABOLISHMENT OF GENERAL SUPPLY FUND AND INFORMATION TECHNOLOGY FUND.*—The General Supply Fund and the Information Technology Fund in the Treasury are hereby abolished.

(b) *TRANSFERS.*—Capital assets and balances remaining in the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall be transferred to the Acquisition Services Fund and shall be merged with and be available for the purposes of the Acquisition Services Fund under section 321 of title 40, United States Code (as amended by this Act).

(c) *ASSUMPTION OF OBLIGATIONS.*—Any liabilities, commitments, and obligations of the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall be assumed by the Acquisition Services Fund.

(d) *EXISTENCE AND COMPOSITION OF ACQUISITION SERVICES FUND.*—Subsections (a) and (b) of section 321 of title 40, United States Code, are amended to read as follows:

*"(a) EXISTENCE.*—The Acquisition Services Fund is a special fund in the Treasury.

*"(b) COMPOSITION.*—

*"(1) IN GENERAL.*—The Fund is composed of amounts authorized to be transferred to the Fund or otherwise made available to the Fund.

*"(2) OTHER CREDITS.*—The Fund shall be credited with all reimbursements, advances, and refunds or recoveries relating to personal property or services procured through the Fund, including—

*"(A) the net proceeds of disposal of surplus personal property; and*

*"(B) receipts from carriers and others for loss of, or damage to, personal property; and*

*"(C) receipts from agencies charged fees pursuant to rates established by the Administrator.*

*"(3) COST AND CAPITAL REQUIREMENTS.*—The Administrator shall determine the cost and capital requirements of the Fund for each fiscal year and shall develop a plan concerning such requirements in consultation with the Chief Financial Officer of the General Services Administration. Any change to the cost and capital requirements of the Fund for a fiscal year shall be